

HOUSE JOURNAL

NINETEENTH DAY

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MORNING SESSION

The House was called to order by Speaker Curtis at 10:00 a.m.

Roll call showed all members present except Representative Sheryl Allen, excused.

Prayer by Mr. Forest Cuch. Pledge of Allegiance by Representative Mark Wheatley's mother, Mrs. Sally Wheatley.

COMMUNICATIONS FROM THE GOVERNOR

Mr. Speaker: February 2, 2005

This is to inform you that on February 2, 2005 I signed the following bills of the General Session of the Fifty-Sixth Legislature and have forwarded them to the Lieutenant Governor for filing.

H.B. 240 Disaster Loan Program

S.B. 5 Traffic Code Recodification and Revisions

Jon M. Huntsman
Governor

Communication filed.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 3, 2005

The Senate passed, **H.B. 6**, MASTER HIGHWAY DESIGNATION AMENDMENTS, by Representative J. Murray, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 8**, CHILD PROTECTION TEAM MEETINGS, by Representative A. Tilton, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 10**, EMPLOYMENT SECURITY ACT AMENDMENTS, by Representative D. Cox, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 15**, REPEAL OF STATE DEBT COLLECTION ADVISORY BOARD, by Representative D. Aagard, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 16**, REPEAL OF VEHICLE EQUIPMENT SAFETY COMMISSION, by Representative N. Hendrickson, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 19**, PROCUREMENT CODE RENUMBERING, by Representative R. Bigelow, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 20**, CALLING LOCAL SPECIAL ELECTIONS FOR SALES AND USE TAX PURPOSES, by Representative S. Clark, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 37**, ADMINISTRATIVE RULES REAUTHORIZATION, by Representative D. Ure, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 52**, FIRE PREVENTION AMENDMENTS, by Representative J. Murray, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 176**, REVISOR'S STATUTE, by Representative R. Lockhart, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore

Secretary of the Senate

Communications filed. **H.B. 6**, **H.B. 8**, **H.B. 10**, **H.B. 15**, **H.B. 16**, **H.B. 19**, **H.B. 20**, **H.B. 37**, **H.B. 52**, and **H.B. 176** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

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Mr. Speaker:

February 3, 2005

The Senate passed, as amended, **H.B. 26**, CONVEYANCES OF PROPERTY, by Representative J. S. Adams, and it is transmitted for further consideration; and

The Senate passed, as amended, **Sub. H.B. 28**, JUVENILE JUSTICE RECODIFICATION, by Representative D. Aagard, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 185**, UTAH COMPUTER CRIMES ACT AMENDMENTS, by Representative B. Daw, and it is transmitted for further consideration.

Annette B. Moore
Secretary of the Senate

Communications filed. **H.B. 26**, **Sub. H.B. 28**, and **H.B. 185**, placed on the calendar for concurrence.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 3, 2005

The Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 145**, AMENDMENTS TO HEARING AND SPEECH IMPAIRED TELECOMMUNICATIONS PROGRAM, by Representative B. Goodfellow; and

The Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 238**, UTAH TECHNOLOGY COMMISSION MEMBERSHIP, by Representative J. Dougall, with the following amendments:

1. Page 1, Lines 26 through 27:

26 Other Special Clauses:

27 {~~None~~} This bill provides an immediate effective date.

2. Page 11, Lines 312 through 313:

312 (6) Any meeting of the committee is subject to Title 52, Chapter
313 4, Open and Public

313 Meetings.

Section 6. Effective date.

If approved by two-thirds of all the members elected to each house,
this bill takes effect upon approval by the governor, or the day following
the constitutional time limit of Utah Constitution Article VII, Section 8,
without the governor's signature, or in the case of a veto, the date of veto
override.

Sheryl L. Allen, Chair

Reports filed. On motion of Representative Hunsaker, the reports of the Public Utilities and Technology committee were adopted.

H.B. 145 and **H.B. 238**, as amended, read the second time by short title and placed on the calendar for third reading.

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Mr. Speaker:

February 3, 2005

The Business and Labor Committee reports a favorable recommendation on **H.B. 236, HEALTH INSURANCE LAW AMENDMENTS**, by Representative J. Dunnigan, with the following amendments:

1. Page 52, Lines 1578 through 1581:

1578 (a) has been continuously covered {~~under a group policy~~} for a period of six months by the group policy or the group's preceding policies

1579 immediately prior to termination; ~~and~~

1580 (b) has exhausted either Utah mini-COBRA coverage as required in Section

1581 31A-22-722 or federal COBRA coverage {~~, if offered~~} ; and

2. Page 52, Lines 1597 through 1599:

1597 {~~or~~}

1598 (iii) made intentional misrepresentation of material fact under the terms of coverage[-];

1599 or

(iv) individual no longer resides in the service area; or ; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 37, MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS**, by Senator D. Eastman, with the following amendments:

1. Page 1, Lines 13 through 14

Senate Committee Amendments 1-20-2005:

13 ► increases the bond amount for a motor vehicle dealer's license from \$50,000 to

14 \$75,000 {~~until June 30, 2010~~} beginning on July 1, 2006 ;

2. Page 1, Lines 15 through 16

Senate Committee Amendments 1-20-2005:

15 ► increases the bond amount for a special equipment dealer's license from \$20,000 to

16 \$75,000 {~~until June 30, 2010~~} beginning on July 1, 2006 ;

3. Page 1, Lines 20 through 21
Senate Committee Amendments 1-20-2005:

20 { ~~—————~~ } provides that beginning on July 1, 2010, the bond
amount for a motor vehicle

21 dealer's license or a special equipment dealer's license is
\$100,000;— }

4. Page 2, Line 31:

31 { ~~None~~ } This bill takes effect July 1, 2005.

5. Page 2, Lines 40 through 45:

40 (1) (a) Before a dealer's, special equipment dealer's, crusher's,
or body shop's license is

41 issued, the applicant shall file with the administrator a corporate
surety bond in the amount of:

42 (i) { ~~—~~ } \$50,000 { ~~—~~ } { ~~—\$75,000~~ } until June
30, { ~~2010~~ } 2006 ,and { ~~—\$100,000~~ } \$75,000 on or
after July 1, { ~~2010~~ } 2006 , for a

43 motor vehicle dealer's license;

44 (ii) { ~~—~~ } \$20,000 { ~~—~~ } { ~~—\$75,000~~ } until June
30, { ~~2010~~ } 2006 ,and { ~~—\$100,000~~ } \$75,000 on or
after July 1, { ~~2010~~ } 2006 , for a

45 special equipment dealer's license;

6. Page 3, Line 80
Senate Committee Amendments 1-20-2005:

80 chapter.

Section 2. Effective date.
This bill takes effect July 1, 2005. ; and

The Business and Labor Committee reports a favorable recommendation on
S.B. 40, REGULATION OF TITLE INSURANCE INDUSTRY, by Senator
T. Hatch.

Stephen D. Clark, Chair

Reports filed. On motion of Representative S. Clark, the reports of the
Business and Labor committee were adopted.

H.B. 236, as amended, **S.B. 37**, as amended, and **S.B. 40**, read the second time by short title and placed on the calendar for third reading.

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Mr. Speaker:

February 3, 2005

The Education Committee reports a favorable recommendation on **H.B. 135**, IMPLEMENTING FEDERAL EDUCATIONAL PROGRAMS, by Representative M. Dayton; and

The Education Committee reports a favorable recommendation on **H.J.R. 3**, RESOLUTION REGARDING FEDERAL NO CHILD LEFT BEHIND, by Representative K. Holdaway, et al.

Margaret Dayton, Chair

Reports filed. On motion of Representative Dayton, the reports of the Education committee were adopted.

H.B. 135 and **H.J.R. 3**, read the second time by short title and placed on the calendar for third reading.

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Mr. Speaker:

February 3, 2005

The Health and Human Services Committee reports a favorable recommendation on **H.B. 62**, AMENDMENTS TO INTERMEDIATE CARE FACILITIES FOR MENTALLY RETARDED, by Representative R. Lockhart, with the following amendments:

1. Page 2, Lines 31 through 35:

31 (1) (a) "Nursing care facility" means:

32 (i) a nursing care facility described in Subsection
26-21-2(17);

33 (ii) beginning January 1, 2006, a designated swing bed
in :

(A) a general acute hospital as defined in Subsection

34 26-21-2(11); and

(B) a critical access hospital which meets the criteria of 42 U.S.C.
1395i-4(c)(2)(1998); and

35 (iii) an intermediate care facility for the mentally retarded that
is licensed under Section ; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 93**, CHILDREN'S JUSTICE CENTER ADDITION, by Senator T. Hatch; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 90**, COUNTY OFFICERS SERVING ON BOARDS OF COUNTY MENTAL HEALTH AND SUBSTANCE ABUSE PROVIDERS, by Senator D. Thomas, and recommends it be placed on the Consent Calendar.

Bradley G. Last, Chair

Reports filed. On motion of Representative Last, the reports of the Health and Human Services committee were adopted.

H.B. 62, as amended, read the second time by short title and placed on the calendar for third reading.

S.B. 93, read the second time by short title and referred to the Rules Committee due to fiscal impact.

S.B. 90, read the second time by short title and placed on the Consent Calendar.

INTRODUCTION OF BILLS

H.J.R. 21, Resolution Honoring Jade Pusey (D. Ure), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

H.B. 67, ABANDONED VEHICLES AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Gowans, the House voted to delete **H.B. 67** in title and body and insert **Sub. H.B. 67** in lieu thereof.

Sub. H.B. 67 then passed on the following roll call:

Yeas, 67; Nays, 3; Absent or not voting, 5.

Voting in the affirmative were: Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	D. Clark
S. Clark	Cosgrove	D. Cox	Daw

Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Fisher
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Moss	Murray	Newbold
Noel	Oda	Painter	Romero
Shurtliff	G. Snow	Tilton	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

Voting in the negative were: Representatives

Christensen	Ferry	Harper
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Absent or not voting were: Representatives

S. Allen	Fowlke	Morley	Ray
Ure			

Sub. H.B. 67 transmitted to the Senate for its consideration.

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H.B. 59, DOMESTIC VIOLENCE ENHANCEMENT, read the third time by short title and placed on its final passage.

H.B. 59 then passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings

B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

Absent or not voting were: Representatives

S. Allen Tilton

H.B. 59 transmitted to the Senate for its consideration.

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H.B. 33, ASSISTANCE FOR PEOPLE WITH BLEEDING DISORDERS, read the third time by short title and placed on its final passage.

Representative Litvack proposed the following amendment:

1. Page 4, Line 90

90 (D) insurance coverage available under either private health insurance, Title 31A, Chapter 29, Comprehensive

Representative Litvack's motion to amend passed on a voice vote.

H.B. 33, as amended, then passed on the following roll call:**Yeas, 55; Nays, 15; Absent or not voting, 5.****Voting in the affirmative were:** Representatives

Aagard	Adams	Barrus	Becker
Bigelow	Biskupski	Bourdeaux	Bowman
Buxton	Christensen	D. Clark	Cosgrove
D. Cox	Daw	Dee	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Goodfellow	Gowans	Hansen
Hardy	Hendrickson	Hogue	Holdaway
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Mascaro	Mathis	McGee

Menlove	Morgan	Moss	Murray
Newbold	Painter	Ray	Romero
Shurtliff	G. Snow	Ure	Wallace
Wheatley	Wheeler	Wiley	

Voting in the negative were: Representatives

Alexander	Buttars	S. Clark	Dayton
Donnelson	Frank	Gibson	Harper
Hughes	Morley	Oda	Tilton
Urquhart	Walker	Wyatt	

Absent or not voting were: Representatives

S. Allen	Dougall	Lockhart	Noel
Curtis			

H.B. 33, as amended, transmitted to the Senate for its consideration.

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H.B. 64, CRIMINAL BACKGROUND CHECKS FOR PERSONAL CARE ATTENDANTS, read the third time by short title and placed on its final passage.

Representative Hunsaker proposed the following amendment:

1. Page 1, Line 33:
Bracket “None” and insert “This bill provides a coordination clause.”
2. Page 16, Line 474:
After line 474 insert:
Section 9. Coordinating H.B. 64 with H.B. 79.
If this H.B. 64 and H.B. 79, Provisions of Services for People with Disabilities, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication as follows:
(1) combine the amendments made by this bill and H.B. 79 to Section 62A-2-121 so that Section 62A-2-121 reads as follows:
“62A-2-121. Access to abuse and neglect information.
(1) For purposes of this section:
(a) “direct service worker” is as defined in Section 62A-5-101; and
(b) “personal care attendant” is as defined in Section 62A-3-101.
[(4)] (2) With respect to a human services [licensees] licensee, a direct service worker, or a personal care attendant, the department may access only the Licensing Information System of the Division of Child and

Family Services created by Section 62A-4a-116.2 and juvenile court records under Subsection 78-3a-320[(4)](6), for the purpose of:

(a) (i) determining whether a person associated with a licensee, with direct access to children[-];

(A) is listed in the Licensing Information System; or

(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2); and

[(b)] (ii) informing a licensee that a person associated with the licensee;

(A) is listed in the Licensing Information System; or

(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2)[-];

(b) (i) determining whether a direct service worker:

(A) is listed in the Licensing Information System; or

(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2); and

(ii) informing a direct service worker or the direct service worker's employer that the direct service worker:

(A) is listed in the Licensing Information System; or

(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2); or

(c) (i) determining whether a personal care attendant:

(A) is listed in the Licensing Information System; or

(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2); and

(ii) informing a person described in Subsections 62A-3-101(9)(a)(i) through (iv) that a personal care attendant:

(A) is listed in the Licensing Information System; or

(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2).

[(2)] (3) Notwithstanding Subsection [(1)] (2), the department may access the Division of Child and Family Service's Management Information System under Section 62A-4a-116 for the purpose of licensing and monitoring foster parents.

[(3)] (4) After receiving identifying information for a person under Subsection 62A-2-120(1), the department shall process the information for the purposes described in Subsection [(1)] (2).

[(4)] (5) The department shall adopt rules under Title 63, Chapter 46a, Utah Administrative Rulemaking Act, consistent with this chapter, defining the circumstances under which a person [who has] may have direct access or provide services to children [and who] when:

(a) the person is listed in the Licensing Information System of the

Division of Child and Family Services created by Section 62A-4a-116.2; or [has]

(b) juvenile court records show that a court made a substantiated finding [by a court of] under Section 78-3a-320, that the person committed a severe type of child abuse or neglect [under Subsections 78-3a-320(1) and (2) may provide services to children].” ; and
(2) combine the amendments made by this bill and H.B. 79 to Section 62A-2-122 so that Section 62A-2-122 reads as follows:

“62A-2-122. Access to vulnerable adult abuse and neglect information.

(1) For purposes of this section:

(a) “direct service worker” is as defined in Section 62A-5-101; and

(b) “personal care attendant” is as defined in Section 62A-3-101.

[4-] (2) With respect to a human services [licensees] licensee, a direct service worker, or a personal care attendant, the department may access the data base created by Section 62A-3-311.1 for the purpose of:

(a) (i) determining whether a person associated with a licensee, with direct access to vulnerable adults, has a substantiated finding of:

(A) abuse[-];

(B) neglect[-]; or

(C) exploitation; and

[(b)] (ii) informing a licensee that a person associated with the licensee has a substantiated finding of:

(A) abuse[-];

(B) neglect[-]; or

(C) exploitation[-];

(b) (i) determining whether a direct service worker has a substantiated finding of:

(A) abuse;

(B) neglect; or

(C) exploitation; and

(ii) informing a direct service worker or the direct service worker’s employer that the direct service worker has a substantiated finding of:

(A) abuse;

(B) neglect; or

(C) exploitation; or

(c) (i) determining whether a personal care attendant has a substantiated finding of:

(A) abuse;

(B) neglect; or

(C) exploitation; and

(ii) informing a person described in Subsections 62A-3-101(9)(a)(i) through (iv) that a personal care attendant has a substantiated finding of:

(A) abuse;

(B) neglect; or

(C) exploitation;

[(2)] (3) After receiving identifying information for a person under Subsection 62A-2-120(1), the department shall process the information for the purposes described in Subsection (1).

[(3)] (4) The department shall adopt rules under Title 63, Chapter 46a, Utah Administrative Rulemaking Act, consistent with this chapter and consistent with Section 62A-3-311.1, defining the circumstances under which a person [who has] may have direct access or provide services to vulnerable adults [and who has a substantiated finding of abuse, neglect, or exploitation may provide services to vulnerable adults] when the person is listed in the statewide database of the Division of Aging and Adult Services created by Section 62A-3-311.1 as having a substantiated finding of abuse, neglect, or exploitation.”

Section 10. Coordinating H.B. 64 with S.B. 107.

If this H.B. 64 and S.B. 107, Licensure and Regulation of Programs and Facilities, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication as follows:

(1) combine the amendments made by this bill and S.B. 107 to Section 62A-2-121 so that Section 62A-2-121 reads as follows:

“62A-2-121. Access to abuse and neglect information.

(1) For purposes of this section “personal care attendant” is as defined in Section 62A-5-101.

[(1)] (2) With respect to [human services licensees] a licensee, a certified local inspector applicant, or a personal care attendant, the department may access only the Licensing Information System of the Division of Child and Family Services created by Section 62A-4a-116.2 and juvenile court records under Subsection 78-3a-320[(4)](6), for the purpose of:

(a) (i) determining whether a person associated with a licensee, with direct access to children[;];

(A) is listed in the Licensing Information System; or

(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2); and

[(b)] (ii) informing a licensee that a person associated with the licensee;

(A) is listed in the Licensing Information System; or

(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2)[-];

(b) (i) determining whether a certified local inspector applicant:

(A) is listed in the Licensing Information System; or

(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2); and

(ii) informing a local government that a certified local inspector applicant:

(A) is listed in the Licensing Information System; or

(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2); or

(c) (i) determining whether a personal care attendant:

(A) is listed in the Licensing Information System; or

(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2); and

(ii) informing a person described in Subsections 62A-3-101(9)(a)(i) through (iv) that a personal care attendant:

(A) is listed in the Licensing Information System; or

(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2).

[(2)] (3) Notwithstanding Subsection [(4)] (2), the department may access the Division of Child and Family Service's Management Information System under Section 62A-4a-116 for the purpose of licensing and monitoring foster parents.

[(3)] (4) After receiving identifying information for a person under Subsection 62A-2-120(1), the department shall process the information for the purposes described in Subsection [(4)] (2).

[(4)] (5) The department shall adopt rules under Title 63, Chapter 46a, Utah Administrative Rulemaking Act, consistent with this chapter, defining the circumstances under which a person [who has] may have direct access or provide services to children [and who] when:

(a) the person is listed in the Licensing Information System of the Division of Child and Family Services created by Section 62A-4a-116.2; or [has]

(b) juvenile court records show that a court made a substantiated finding [by a court of] under Section 78-3a-320, that the person committed a severe type of child abuse or neglect [under Subsections 78-3a-320(1) and (2) may provide services to children].” ; and

(2) combine the amendments made by this bill and S.B. 107 to Section 62A-2-122 so that Section 62A-2-122 reads as follows:

“62A-2-122. Access to vulnerable adult abuse and neglect

information.

(1) For purposes of this section “personal care attendant” is as defined in Section 62A-3-101.

[~~(1)~~] (2) With respect to [~~human-services licensees~~] a licensee, a certified local inspector applicant, or a personal care attendant, the department may access the data base created by Section 62A-3-311.1 for the purpose of:

(a) (i) determining whether a person associated with a licensee, with direct access to vulnerable adults, has a substantiated finding of:

(A) abuse[~~;~~];

(B) neglect[~~;~~]; or

(C) exploitation; and

[~~(b)~~] (ii) informing a licensee that a person associated with the licensee has a substantiated finding of:

(A) abuse[~~;~~];

(B) neglect[~~;~~]; or

(C) exploitation[~~;~~];

(b) (i) determining whether a certified local inspector applicant has a substantiated finding of:

(A) abuse;

(B) neglect; or

(C) exploitation; and

(ii) informing a local government that a certified local inspector applicant has a substantiated finding of:

(A) abuse;

(B) neglect; or

(C) exploitation; or

(c) (i) determining whether a personal care attendant has a substantiated finding of:

(A) abuse;

(B) neglect; or

(C) exploitation; and

(ii) informing a person described in Subsections 62A-3-101(9)(a)(i) through (iv) that a personal care attendant has a substantiated finding of:

(A) abuse;

(B) neglect; or

(C) exploitation.

[~~(2)~~] (3) After receiving identifying information for a person under Subsection 62A-2-120(1), the department shall process the information for the purposes described in Subsection (1).

~~[(3)]~~ (4) The department shall adopt rules under Title 63, Chapter 46a, Utah Administrative Rulemaking Act, consistent with this chapter and consistent with Section 62A-3-311.1, defining the circumstances under which a person ~~[who has]~~ may have direct access or provide services to vulnerable adults ~~[and who has a substantiated finding of abuse, neglect, or exploitation may provide services to vulnerable adults]~~ when the person is listed in the statewide database of the Division of Aging and Adult Services created by Section 62A-3-311.1 as having a substantiated finding of abuse, neglect, or exploitation."

Representative Hunsaker's motion to amend passed on a voice vote.

H.B. 64, as amended, then passed on the following roll call:

Yeas, 67; Nays, 0; Absent or not voting, 8.

Voting in the affirmative were: Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	

Absent or not voting were: Representatives

S. Allen	Buttars	Dougall	Hendrickson
Mascaro	Mathis	G. Snow	Curtis

H.B. 64, as amended, transmitted to the Senate for its consideration.

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H.B. 199, SPECIAL ELECTION DATES, read the third time by short title and placed on its final passage.

On motion of Representative Hogue, the House voted to circle **H.B. 199**.

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H.B. 66, NATUROPATHIC PHYSICIAN AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **H.B. 66**.

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H.B. 47, NEW AUTOMOBILE FRANCHISE ACT AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **H.B. 47**.

* * *

H.B. 71, LICENSING OF ESTHETICIANS AND NAIL TECHNICIANS, read the third time by short title and placed on its final passage.

Representative Last proposed the following amendment:

1. Page 1, Line 18:
Delete “350” and insert “300”
2. Page 1, Line 20:
Delete “450” and insert “375”
3. Page 6, Line 167:
Delete “350” and insert “300”
4. Page 8, Line 226:
Delete “450” and insert “375”
5. Page 11, Line 332:
Delete “July 1, 2005” and insert “December 31, 2005”

Representative Ure proposed the following substitute motion to amend:

1. Page 1, Line 18:
Delete “350” and insert “300”
2. Page 1, Line 20:
Delete “450” and insert “375”

3. Page 6, Line 167:
Delete "350" and insert "300"
4. Page 8, Line 226:
Delete "450" and insert "375" and delete "six" and insert "three"
5. Page 11, Line 332:
Delete "July 1, 2005" and insert "December 31, 2005"

Representative Ure's motion to amend passed on a voice vote.

H.B. 71, as amended, then passed on the following roll call:

Yeas, 55; Nays, 13; Absent or not voting, 7.

Voting in the affirmative were: Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buxton	D. Clark	Cosgrove
D. Cox	Daw	Dee	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Goodfellow	Gowans	Hansen
Hardy	Hendrickson	Hogue	Holdaway
Hunsaker	E. Hutchings	King	Kiser
Last	Lawrence	Litvack	Mascaro
McGee	Menlove	Morgan	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
Ure	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	

Voting in the negative were: Representatives

Buttars	Christensen	S. Clark	Dayton
Donnelson	Dougall	Frank	Gibson
Harper	Hughes	Lockhart	Urquhart
Curtis			

Absent or not voting were: Representatives

S. Allen	B. Johnson	Jones	Mathis
Morley	G. Snow	Tilton	

H.B. 71, as amended, transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Ferrin, the House voted to uncircle **H.B. 66**.

H.B. 66, NATUROPATHIC PHYSICIAN AMENDMENTS, was before the House on its final passage.

Representative Ferrin proposed the following amendment:

1. Page 1, Lines 21 through 23

21 Other Special Clauses:

22 {~~None~~} This bill provides an immediate effective date.

23 Utah Code Sections Affected:

2. Page 4, Lines 101 through 103:

101 (5) Licensees under this chapter may [~~not~~] sell from their offices homeopathic

102 remedies or dietary supplements[~~;~~] as defined in the Federal Food Drug and Cosmetic Act[~~;~~

103 ~~except for those products that are not readily available from other local sources]~~ {~~—~~} consistent with division rule.

Section 3. Effective date.

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

Representative Ferrin's motion to amend passed on a voice vote.

H.B. 66, as amended, then passed on the following roll call:

Yeas, 57; Nays, 11; Absent or not voting, 7.

Voting in the affirmative were: Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Buxton	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Hardy	Hendrickson	Hogue
Holdaway	Hughes	E. Hutchings	Jones

King	Kiser	Last	Lawrence
Lockhart	Mascaro	Menlove	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Shurtliff
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

Voting in the negative were: Representatives

Buttars	Christensen	Dayton	Goodfellow
Gowans	Harper	Hunsaker	B. Johnson
Mathis	G. Snow	Tilton	

Absent or not voting were: Representatives

S. Allen	Bowman	Hansen	Litvack
McGee	Morgan	Romero	

H.B. 66, as amended, transmitted to the Senate for its consideration.

RULES COMMITTEE REPORT

Mr. Speaker:

February 4, 2005

The House Rules Committee recommends, with written request of the sponsor, that **H.B. 197**, Individual Income Tax Amendments for Education Funding (Rep. P. Jones) be replaced with **Substitute H.B. 197**, Individual Income Tax Amendments (Rep. P. Jones) and further recommends it be assigned to the Revenue and Taxation Standing Committee; and

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

BUSINESS AND LABOR

H.B. 121	Property Exempt from Execution (Rep. J. Dunnigan)
H.B. 263	Insurers Rehabilitation and Liquidation (Rep. J. Dougall)
H.B. 269	Sales Marketing Requirements (Rep. M. Noel)
H.B. 283	Real Estate Amendments (Rep. G. Snow)

GOVERNMENT OPERATIONS

H.B. 128	Compensation of Executive Officers (Rep. L. Christensen)
H.B. 281	Task Force on Legislative Reforms (Rep. N. Hansen)
H.B. 291	Capitol Preservation Board Modifications (Rep. J. Alexander)

HEALTH AND HUMAN SERVICES

- H.B. 241** Veterans Nursing Home (Rep. D. G. Buxton)
S.B. 83 Medical Decisions of a Parent or Guardian
(Sen. D. Thomas)

LAW ENFORCEMENT AND CRIMINAL JUSTICE

- S.B. 73** Tampering with Evidence (Sen. D. C. Buttars)

PUBLIC UTILITIES AND TECHNOLOGY

- H.J.R. 15** Resolution Regarding United States Trade Negotiations
(Rep. S. Allen)

RETIREMENT AND INDEPENDENT ENTITIES

- H.B. 245** Compensation of Constitutional Officers – Benefits and
Insurance (Rep. M. Noel)

REVENUE AND TAXATION

- H.B. 258** Individual Income Tax Credit for Employment–related
Expenses (Rep. D. Litvack)
S.B. 133 Individual Income Tax – Return Filing Requirements
(Sen. H. Stephenson)

Rebecca Lockhart, Chair

Report filed. On motion of Representative Hardy, the report of the Rules Committee was adopted.

MISCELLANEOUS BUSINESS

On motion of Representative Ure, under suspension of the rules, the House voted to lift **H.J.R. 21**, from the Rules Committee, consider it read the second time by short title and set for Time Certain for Monday, February 7, 2005 at 11:00 a.m.

MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to adjourn until February 7, 2005, at 10:00 a.m.

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Assigned to standing committee	63
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Read the third time	198
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Read the second time	127
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Assigned to standing committee	63
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Assigned to standing committee	27
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Read the third time	200
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Assigned to standing committee	27
Read the second time	127
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Assigned to standing committee	26
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Assigned to standing committee	25
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Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	136
Read the second time	360
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Read the third time	312
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Read the second time	434
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S.B. 93 — CHILDREN'S JUSTICE CENTER ADDITION (<i>T. Hatch</i>)	
Read the first time by short title and referred to Rules Committee	256
Assigned to standing committee	316
Read the second time	481
Referred to Rules Committee due to fiscal impact	481
S.B. 94 — RESTITUTION AMENDMENTS (<i>G. Bell</i>)	
Read the first time by short title and referred to Rules Committee	256

Assigned to standing committee	316
Read the second time	434
S.B. 95 — OFFICE OF MUSEUM SERVICES AMENDMENTS (<i>R. Allen</i>)	
Read the first time by short title and referred to Rules Committee	126
Assigned to standing committee	137
Read the second time	196
Read the third time	230
Signed by the Speaker and returned to the Senate	231
S.B. 97 — CONSOLIDATION OF CITY AND COUNTY LIBRARY (<i>G. Bell</i>)	
Read the first time by short title and referred to Rules Committee	256
Assigned to standing committee	317
Read the second time	392
Read the third time	442
Signed by the Speaker and returned to the Senate	443
S.B. 98 — MOTOR VEHICLE REGISTRATION AND TITLE AMENDMENTS (<i>S. Killpack</i>)	
Read the first time by short title and referred to Rules Committee	356
Assigned to standing committee	404
S.B. 100 — ACCESS TO HIGH SPEED INTERNET AT STATE CAPITOL COMPLEX (<i>S. Killpack</i>)	
Read the first time by short title and referred to Rules Committee	38
Read the second time	38
Read the third time	39
Signed by the Speaker and returned to the Senate	40
S.B. 101 — UTAH ADMINISTRATIVE RULEMAKING ACT REVISION (<i>H. Stephenson</i>)	
Read the first time by short title and referred to Rules Committee	73
Assigned to standing committee	89
Read the second time	184
Placed on calendar	310
Read the third time	310, 400
Signed by the Speaker and returned to the Senate	401
S.B. 103 — LIENS ON AIRCRAFT (<i>T. Hatch</i>)	
Read the first time by short title and referred to Rules Committee	181
Assigned to standing committee	206
Read the second time	434
1st Sub. S.B. 104 — JUDICIARY AMENDMENTS (<i>L. Hillyard</i>)	
Read the first time by short title and referred to Rules Committee	356
Assigned to standing committee	404
1st Sub. S.B. 106 — UTAH RELIGIOUS LAND USE ACT (<i>D. Thomas</i>)	
Read the first time by short title and referred to Rules Committee	391
Assigned to standing committee	404
S.B. 107 — LICENSURE AND REGULATION OF PROGRAMS AND FACILITIES (<i>T. Hatch</i>)	
Read the first time by short title and referred to Rules Committee	432
Assigned to standing committee	446
1st Sub. S.B. 108 — TELECOMMUNICATIONS REVISIONS (<i>C. Bramble</i>)	
Read the first time by short title and referred to Rules Committee	356
Assigned to standing committee	404
S.B. 115 — PERMANENT TOTAL DISABILITY AMENDMENTS (<i>E. Mayne</i>)	
Read the first time by short title and referred to Rules Committee	289
Assigned to standing committee	316
S.B. 116 — ARBITRATION – USE OF SUBPOENA AUTHORIZED (<i>D. Eastman</i>)	
Read the first time by short title and referred to Rules Committee	356
Assigned to standing committee	404
S.B. 117 — REPEAL OF UTAH TOMORROW STRATEGIC PLANNING COMMITTEE (<i>M. Waddoups</i>)	
Read the first time by short title and referred to Rules Committee	356
Assigned to standing committee	404
S.B. 118 — IDENTITY FRAUD AMENDMENTS (<i>C. Walker</i>)	
Read the first time by short title and referred to Rules Committee	356
Assigned to standing committee	404
S.B. 120 — ALLOCATION OF PROFITS FROM SCHOOL AND INSTITUTIONAL TRUST LANDS (<i>T. Hatch</i>)	
Read the first time by short title and referred to Rules Committee	356
Assigned to standing committee	403
1st Sub. S.B. 122 — RESIDENT TUITION STATUS FOR JOB CORPS STUDENTS (<i>G. Bell</i>)	
Read the first time by short title and referred to Rules Committee	341
Assigned to standing committee	354
S.B. 123 — GOVERNMENTAL IMMUNITY ACT – TECHNICAL AMENDMENTS (<i>G. Bell</i>)	
Read the first time by short title and referred to Rules Committee	356
Assigned to standing committee	404
S.B. 125 — AMENDMENTS TO INDIVIDUAL INCOME TAX CREDIT FOR SPECIAL NEEDS ADOPTIONS (<i>P. Hellewell</i>)	
Read the first time by short title and referred to Rules Committee	432
Assigned to standing committee	447

S.B. 128 — CALCULATION OF INTEREST ON TAX OVERPAYMENTS (<i>H. Stephenson</i>)	
Read the first time by short title and referred to Rules Committee	432
Assigned to standing committee	447
S.B. 129 — BRINE SHRIMP ROYALTY ACT AMENDMENTS (<i>T. Hatch</i>)	
Read the first time by short title and referred to Rules Committee	432
Assigned to standing committee	447
S.B. 131 — AUTHORIZATION FOR ADDITIONAL JUDICIAL POSITION (<i>M. Madsen</i>)	
Read the first time by short title and referred to Rules Committee	432
Assigned to standing committee	447
S.B. 133 — INDIVIDUAL INCOME TAX – RETURN FILING REQUIREMENTS (<i>H. Stephenson</i>)	
Read the first time by short title and referred to Rules Committee	432
Assigned to standing committee	495
S.C.R. 1 — RESOLUTION ENCOURAGING MANAGED LANES STUDY (<i>C. Walker</i>)	
Read the first time by short title and referred to Rules Committee	38
Assigned to standing committee	63
Read the second time	185
Read the third time	229
Circled	229
S.C.R. 3 — RESOLUTION HONORING SEARCHERS (<i>L. Hillyard</i>)	
Read the first time by short title	30
Read the second time	30
Read the third time	30
Signed by the Speaker and transmitted to the Governor	31
S.C.R. 4 — RESOLUTION APPROVING UTAH RECREATIONAL LAND EXCHANGE (<i>B. Evans</i>)	
Read the first time by short title and referred to Rules Committee	341
Assigned to standing committee	355
S.J.R. 1 — JOINT RESOLUTION APPROVING APPOINTMENT OF LEGISLATIVE AUDITOR GENERAL (<i>J. Valentine</i>)	
Read the first time by short title and referred to Rules Committee	38
Read the second time	38
Read the third time	39
Signed by the Speaker and returned to the Senate	39
S.J.R. 3 — RESOLUTION ENCOURAGING MEDIATION (<i>C. Walker</i>)	
Read the first time by short title and referred to Rules Committee	256
Assigned to standing committee	317
Read the second time	392
S.J.R. 4 — JOINT RULES RESOLUTION – INTERIM RULES RECODIFICATION (<i>M. Waddoups</i>)	
Read the first time by short title and referred to Rules Committee	126
Read the second time	137
Read the third time	197
Circled	197
Uncircled	228
Signed by the Speaker and returned to the Senate	228
S.J.R. 5 — RESOLUTION APPROVING CONTRACT FOR STATE CAPITOL RENOVATION (<i>L. A. Mansell</i>)	
Read the first time by short title and referred to Rules Committee	38
Read the second time	60
Read the third time	61
Transmitted to the Senate	62
S.J.R. 6 — SPACE EXPLORATION RESOLUTION (<i>P. Knudson</i>)	
Read the first time by short title and referred to Rules Committee	356
Assigned to standing committee	405